

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the Neighborhood Engagement Achieves Results Amendment Act of 2016 to enhance the Private Security Camera System Incentive Program by removing the program rebate cap; to amend the Anti-Sexual Abuse Act of 1994 to clarify the definition of “significant relationship” in sexual abuse cases; to amend the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2011 to require that all participating entities in the CJCC report aggregate programmatic data on process and outcomes of programs; to amend An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and to establish an offense of endangerment with a firearm; to amend Title 16 of the District of Columbia Official Code to establish a rebuttable presumption that pre-hearing detention is necessary where there is a substantial probability that the youth committed certain serious violent crimes or committed a dangerous crime or crime of violence while armed with a knife; to amend Title 23 of the District of Columbia Official Code to establish a rebuttable presumption in favor of detaining a person pretrial where there is probable cause that the person committed a violent crime, to change the standard of proof necessary to trigger a rebuttable presumption for certain serious crimes, to provide courts with discretion to make a misdemeanor arrest warrant extraditable, to clarify that GPS records from the Pretrial Services Agency are admissible in court, to direct the Court to expedite cases involving a child victim, and to create a new standalone offense of strangulation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Prioritizing Public Safety Emergency Declaration Resolution of 2023”.

Sec. 2. (a) The District is currently experiencing a significant spike in violent crime. As of July 5 of this year, there had been 127 homicides, a 19% increase from the same time in 2022. If this pace continues, for the first time in in 2 decades, the District will see 3 consecutive years

41 where our homicide count exceeds 200. There have also been more than 500 people shot in more
42 than 400 separate incidents.

43 (b) The District is also experiencing a marked increase in a number of other violent and
44 highly salient crimes. Robberies have increased by nearly 50% compared with 2022; motor
45 vehicle thefts are up 116%; and the District is on pace to double the number of carjackings
46 compared with 2022, which already saw a historic number of carjackings. Overall, in 2023, we
47 have seen a 30% increase in violent crime and a 29% increase in property crime.

48 (c) Furthermore, our youth are in crisis. As of the end of June of this year, 12 children
49 under the age of 18 have been killed in the District and 66 kids have been shot. This puts us on
50 track to easily exceed the 16 kids who were killed and 105 kids who were shot in 2022. All of
51 this is happening just as we enter the summer months, which typically come with elevated levels
52 of crime.

53 (d) Importantly, crime—and especially violent crime—is not experienced equally by
54 residents across the District, and is disproportionately felt by residents of color. For example, of
55 the 127 homicides in the District to date, 81—over 60%—occurred in police districts in Wards 7
56 and 8. And 106 of the 127 homicide victims were Black men.

57 (e) These deeply concerning statistics fail to fully capture the human toll these crimes
58 have on victims and their families, as well as the broader impact on our neighborhoods and local
59 communities. This includes not only the real, lasting trauma experienced by the victims of, and
60 families of victims of, crime, but also the fear felt by residents desperate to see an end to the
61 crime and violence plaguing their communities. What is more, the disproportionate effect violent
62 crime has on the District's Black residents has a broad, negative effect on these residents'
63 earning power, employment opportunities, access to businesses and public amenities, and the

64 mental health of residents living in impacted communities. Residents across the District have
65 called on the Council to take decisive action to address this spate of crime, and violent crime in
66 particular.

67 (f) In response to these concerns, Mayor Bowser introduced the Safer Stronger
68 Amendment Act of 2023, as introduced on May 16, 2023 (Bill 25-291). The legislation proposes
69 more than a dozen amendments to the District’s criminal code aimed at enhancing public safety
70 and addressing gaps in the law that hamper the effectiveness of the District’s criminal justice
71 system. The Committee on the Judiciary and Public Safety held a hearing on that legislation on
72 June 27, 2023, where the Council heard from over 160 public witnesses.

73 (g) Separately, Councilmember Brooke Pinto, Chairwoman of the Committee on the
74 Judiciary and Public Safety, introduced legislation aimed at promoting public safety and
75 accountability within our criminal justice system. That bill, the Accountability and Victim
76 Protection Amendment Act of 2023, as introduced on June 21, 2023 (Bill 25-345), was
77 developed in collaboration with the United States Attorney’s Office for the District of Columbia
78 (“USAO”), and specifically tailored to close gaps in the law that prevent District prosecutors
79 from holding offenders accountable.

80 (h) The Committee on the Judiciary and Public Safety intends to advance permanent
81 public safety legislation in the fall, but the timing of the Council’s recess and the timeline for
82 Mayoral and congressional review means that any legislation passed by the Council this year
83 could not be effective until early spring 2024 at the earliest. This emergency legislation is
84 appropriately tailored to address policy issues that cannot wait and need to implemented now to
85 see improvements in the crisis our residents are experiencing.

86 (i) Thus, this emergency legislation aims to accelerate adoption of several provisions with
87 the public safety bills proposed by the Mayor and Councilmember Pinto. The measures proposed
88 here are tailored to address gaps or areas requiring clarity in the law, provide the Metropolitan
89 Police Department (“MPD”) and USAO with the tools and authority necessary to deter,
90 investigate, and prosecute crime, ensure that individuals who present a danger to the public can
91 be held prior to trial, and provide critical support and protections for victims (or potential
92 victims) or crime. The specific changes the bill proposes are discussed below.

93 (j) The bill would establish a rebuttable presumption favoring pretrial detention where a
94 court finds probable cause that a person committed a violent crime. The bill also makes a change
95 to require courts to find “probable cause” rather than “a substantial probability” that a defendant
96 committed murder or assault with intent to kill while armed in order to apply a rebuttable
97 presumption in favor of pretrial detention. These changes will provide courts with more direction
98 and flexibility to hold individuals who may be contributing to repeated instances of retaliatory
99 gun violence.

100 (k) The bill would establish a rebuttable presumption that detention is necessary for youth
101 in cases where the court finds a substantial probability that the youth committed a crime of
102 violence—such as carjacking—or a dangerous crime, whether or not it was committed while
103 armed. This limited expansion will ensure that youth can be held when they pose a danger to
104 their peers or the community.

105 (l) The bill would create a felony offense of endangerment with a firearm. This offense, a
106 version of which was included in the Revised Criminal Code Act, would help to ensure that
107 offenders who recklessly fire a weapon in public are appropriately held accountable.

108 (m) The bill would provide the executive with flexibility to change the reimbursement
109 rate for the District’s Private Security Camera System Incentive Program, which increases
110 MPD’s work to solve crimes by providing MPD with access to footage from subsidized cameras.
111 This language will ensure the rebates provided under the program can be sized appropriately to
112 meet costs for these systems.

113 (n) The bill would extend liability for certain sexual offenses against children to
114 contractors of organizations. Currently, both employees and volunteers are liable, but not
115 contractors; there is no reason to exclude contractors from liability. This language addresses a
116 long outstanding gap in the law.

117 (o) The bill would require that the Criminal Justice Coordinating Council produce, on a
118 quarterly basis, aggregate programmatic data on process and outcome of District programs,
119 including diversion, and outcomes of alternative dispositions and sentencing agreements.

120 (p) The bill would make misdemeanor arrest warrants extraditable outside the District
121 where a court finds good cause. This is particularly important given the District’s small size and
122 proximity to Maryland and Virginia.

123 (q) The bill would clarify that GPS records in the possession of the Pretrial Services
124 Agency (“PSA”) can be admissible to prove a defendant’s guilt in a criminal case or other
125 judicial proceeding. Current law is unclear on this issue, and while the USAO consistently
126 maintains that the law allows these records to be admitted as evidence of guilt, some defendants
127 have attempted to construe the statutes to the contrary. This measure resolves that question,
128 making clear that GPS records from PSA, where legally in the possession of a prosecutor, are
129 admissible—subject to general evidentiary rules—in that defendant’s criminal trial.

130 (r) The bill would direct courts to expedite cases involving a child victim. Currently, the

131 law only expedites cases where a child is called to give testimony; this would expand that to
132 cases where a child is a victim, even where the child doesn't testify. It would also allow courts to
133 expedite sentencing hearings. These changes would help to minimize the length of time child
134 victims are exposed to the criminal justice process.

135 (s) The bill would create a standalone felony offense of strangulation. Strangulation is a
136 key predictor of future domestic violence turning deadly; establishing a standalone felony
137 offense of strangulation will make it easier for the District to hold individuals who engage in this
138 conduct accountable. This change would also bring the District in line with the 49 other states
139 that allow strangulation to be prosecuted as a felony.

140 (t) This legislation is of course not a panacea to violent crime in the District; it does
141 represent common-sense, meaningful steps toward addressing this recent spate in crime while the
142 Council considers the aforementioned permanent measures in full, continuing to work toward a
143 District that is safe for everyone.

144 Sec. 3. The Council of the District of Columbia determines that the circumstances
145 enumerated in section 2 constitute emergency circumstances making it necessary that the
146 Prioritizing Public Safety Emergency Amendment Act of 2023 be adopted after a single reading.

147 Sec. 4. This resolution shall take effect immediately.